

May 12, 2014

Via E-Mail and
Overnight Delivery

Jose Cisneros
Chief, Remediation and Reuse
U.S. EPA Region 5
77 W Jackson Blvd
Mail Code LU-9J
Chicago, IL 60604-3507

Re: **RCRA Corrective Action Status of Dow Property in Ludington,
Michigan (MID006016919)**

Dear Mr. Cisneros:

I am writing this letter on behalf of The Dow Chemical Company ("Dow") to seek clarification regarding whether property currently owned by Dow in Ludington, Michigan, is subject to Resource Conservation and Recovery Act ("RCRA") corrective action requirements. Our conclusion is that it is not. However, certainty is needed because the current plan for the property, most of which is undeveloped, is to convert most or all of the property into a conservation area and donate the property to either the local township or a conservation group, and RCRA corrective action status could jeopardize or materially delay that from happening. On a recent tour of the property with representatives of the Michigan Department of Environmental Quality ("MDEQ"), it was brought to Dow's attention that MDEQ and EPA plan to discuss the property's corrective action status. The purpose of this letter is to provide you some history and our analysis.

The property in question is part of Dow's former calcium chloride plant in Ludington. Dow operated at the site beginning in the 1940s, and sold the manufacturing portion of the plant to Occidental Chemical Corporation in 2009. As part of that sale, Dow retained ownership of approximately 300 acres of undeveloped land bordering the south half of Pere Marquette Lake and another 84 acres containing a lime laydown area. A map is attached for your reference as Tab A.

When RCRA came into effect in 1980, there was significant confusion within the regulated community regarding its applicability. This led many companies to file "Part A" license applications with the U.S. EPA as a precautionary measure, even though the processes

listed in the application were not subject to licensing requirements. This uncertainty is reflected in Dow's Part A transmittal letter to U.S. EPA:

This is a new and complicated regulatory scheme, and the data presented herein has been developed and submitted in good faith. With no prior history or experience with the regulation, interpretation errors are possible.

Dow's letter and Part A application are attached as Tab B.

As you know, companies that "filed Part A permit applications for treatment, storage, or disposal of subtitle C hazardous wastes as a precautionary measure only" are known as "protective filers." U.S. EPA, *Proposed Rule: National Priorities List for Uncontrolled Hazardous Waste Sites, Sites Subject to the Subtitle C Corrective Action Authorities of RCRA*, 53 Fed. Reg. 23978 (June 24, 1988). EPA guidance has made clear that interim status and corrective action requirements do not apply to protective filers: "The Agency does not have the authority to compel Subtitle C corrective action at facilities classified as protective filers." *Id.* See also U.S. EPA, *Notice of Implementation and Enforcement of Policy: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities*, 50 Fed. Reg. 38946 (Sept. 25, 1985) ("Protective filers, i.e., facilities that were in existence on November 19, 1980, notified the Agency of their activities according to section 3010, and submitted their Part A application, but have never conducted a regulated activity requiring a permit are not considered by the Agency to be Interim Status . . ."). In short, the test is not whether a company filed the seven page Part A application (as a precautionary measure), but whether the company *actually conducted* hazardous waste treatment, storage or disposal ("TSD") activities requiring a permit or interim status. See 42 U.S.C. 6925 (e) (applying interim status to "any person who," first and foremost, "owns or operates a facility *required to have* a permit") (emphasis added).

Our records show that Dow was a protective filer and, therefore, the property is not subject to corrective action. Dow's November 1980 Part A application lists just one waste unit, a 1000 gallon tank.¹ This tank was an underground tank that was installed in November of

¹ Dow's Part A application cover letter to U.S. EPA mentioned that "incineration devices which incinerate hazardous wastes where the hazardous wastes are being burned as fuel for the recovery of usable energy (261.2(c)(2)) were not included in the permit application." Tab B. Our records indicate that this was likely a reference to an oil fired boiler that was used to generate steam at the plant. This boiler burned No. 6 fuel oil and, occasionally, used gear oil. There is no record or recollection of an actual "incinerator" on site. Burning used oil for energy recovery in a utility boiler was (and continues to be) exempt from permitting and interim status requirements. See U.S. EPA, *Final Rule: Hazardous Waste Management System: Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces*, 50 Fed. Reg. 49164 (Nov. 29, 1985). By letter dated November 14, 1985, U.S. EPA requested additional information regarding the "incinerator" to determine if the process was exempt. To our knowledge, information was provided to U.S. EPA and EPA never indicated the need for a license or permit for the "incinerator," confirming its exempt status.

1980 and taken out of service just nine months later in August of 1981.² During its short period of use, Dow never stored waste in the tank for more than ninety days, as evidenced by manifests in Dow's files,³ qualifying the tank for generator status.

The corrective action status of the property has come up a few times over the past thirty years, but has never been definitively resolved in writing. In September of 1992, U.S. EPA notified Dow that the agency would be conducting a preliminary assessment and visual site inspection ("VSI") of the Ludington facility (which is typically the first step in the corrective action process). EPA indicated that a VSI would not be necessary if Dow could document that Dow's Part A was filed protectively by showing that the 1000 gallon storage tank "was used for less than 90 day storage only." In response, Dow provided EPA a copy of the pertinent manifests and related information. See Tab D. EPA subsequently cancelled the VSI, apparently confirming Dow's protective filer status. This is further corroborated by the fact that EPA has not listed the property on its list of 3,779 properties that EPA believes to be subject to corrective action.⁴

The issue has come up peripherally a few more times since 1992, but no definitive determination was ever made. In 2001, Dow received a letter of warning from the MDEQ alleging that the property had not recorded a "corrective action deed notice" in compliance with Michigan Rule 299.9525. To our knowledge, this letter was sent to numerous facilities across the State as part of a mass mailing and did not reflect an individual or specific determination by the MDEQ regarding the status of the Ludington property. Dow did file such a deed notice, but this was done as a precautionary measure in order to avoid the civil and criminal penalties and other enforcement actions threatened in the warning letter. In 2006, the issue came up again in relation to the need to file biennial reports and pay hazardous waste user charges as a TSD. Dow presented the information discussed above, and MDEQ agreed that Dow need not pay user charges as a TSD. See Tab E. However, it is unclear whether this fully resolved the issue in regard to the property's prior status.

Nevertheless, in the end, our files show that there was only one storage tank in question, that the tank was used for only a very short period of time, and that the tank never stored waste for more than ninety days. Accordingly, the tank qualified as a generator tank that did not need a RCRA license or interim status. Thus, unless additional information comes to light, it is evident that Dow was a protective filer. This appears to have been confirmed by EPA through its decision not to pursue corrective action at the site. But, because the intent is to

² The tank was removed and closed in 1986 pursuant to an EPA approved closure plan and activities conducted under Michigan Department of Natural Resources oversight. The tank was in good shape with no obvious releases to surrounding soil, as confirmed through sampling. The MDNR Field Report notes the short period of use: "The tank was used in 1980-81; discontinued in August, 1981." Closure was approved by MDNR letter dated November 25, 1986. Please see materials attached as Tab C.

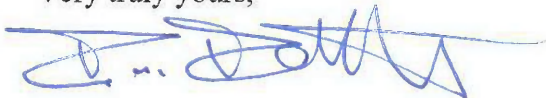
³ The tank was emptied on the following dates: January 16, April 14, June 30 and August 13, 1981.

⁴ <http://www.epa.gov/waste/hazard/correctiveaction/pdfs/2020scc.pdf>.

convert most of the property into a conservation area and donate the property to either the local township or a conservation group, we need to be sure. Therefore, we respectfully request that EPA review its files and confirm the property's status in writing. If it is determined that RCRA corrective action does not apply, then the property can be addressed pursuant to Michigan's cleanup law (aka "Part 201") and solid waste law (aka "Part 115").⁵ Dow has already been meeting with MDEQ to discuss future plans for the site.

Thank you for your time and attention to this matter. Please do not hesitate to call with any questions, or if you would like to schedule a call or a meeting to discuss.

Very truly yours,



Daniel K. DeWitt

C: Robert Wagner, MDEQ
Bryce Feighner, MDEQ
Phil Roycraft, MDEQ
Al Taylor, MDEQ
Cheryl Howe, MDEQ

10602264-3

⁵ These are parts of Michigan's Natural Resources and Environmental Protection Act, MCL 324.20101 *et seq.* and 324.11501 *et seq.* respectively.

A

Project Area

(current boundary, subject to revision)



B

FORM 1 GENERAL		U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		I. EPA I.D. NUMBER	
II. POLLUTANT CHARACTERISTICS		GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.			
INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.					
SPECIFIC QUESTIONS		MARK 'X' YES NO FORM ATTACHED		SPECIFIC QUESTIONS	
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		YES NO FORM ATTACHED 16 17 18 X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		YES NO FORM ATTACHED 22 23 24 X NA		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		YES NO FORM ATTACHED 28 29 30 X X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		YES NO FORM ATTACHED 34 35 36 X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		YES NO FORM ATTACHED 40 41 42 X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	
				YES NO FORM ATTACHED 43 44 45 X	
III. NAME OF FACILITY					
1 SKIP THE DOW CHEMICAL CO. LUDINGTON PLANT					
IV. FACILITY CONTACT					
A. NAME & TITLE (last, first, & title)				B. PHONE (area code & no.)	
2 MASKAL JACK ENVIRON SPECIALIST				616 845 4378	
V. FACILITY MAILING ADDRESS					
A. STREET OR P.O. BOX					
3					
B. CITY OR TOWN					
4					
C. STATE					
D. ZIP CODE					
VI. FACILITY LOCATION					
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER					
5					
B. COUNTY NAME					
6 MASON					
C. CITY OR TOWN					
D. STATE					
E. ZIP CODE					
F. COUNTY CODE (if known)					
053					

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST										B. SECOND									
7	2	8	1	0	(specify)	INDUSTRIAL INORGANIC CHEMICALS	7	3	2	7	4	(specify)	LIME						
C. THIRD										D. FOURTH									
(specify)										(specify)									

VIII. OPERATOR INFORMATION

A. NAME																									B. Is the name listed in Item VIII-A also the owner?									
8 THE DOW CHEMICAL COMPANY																									<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)																									D. PHONE (area code & no.)									
F = FEDERAL										M = PUBLIC (other than federal or state)										P (specify)					6 1 6 8 4 5 4 4 1 1									
S = STATE										O = OTHER (specify)																								
P = PRIVATE																																		
E. STREET OR P.O. BOX																																		
S MADISON AND SEVENTH																																		
F. CITY OR TOWN															G. STATE					H. ZIP CODE					IX. INDIAN LAND									
B LUDINGTON															M I					4 9 4 3 1					Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)															D. PSD (Air Emissions from Proposed Sources)														
9 N M I 0 0 0 3 0 2 6															9 P														
B. UIC (Underground Injection of Fluids)															E. OTHER (specify)														
9 U M I 0 0 0 3 0 2 6															(specify)														
C. RCRA (Hazardous Wastes)															E. OTHER (specify)														
9															(specify)														

SEE ATTACHED SHEET

XI. MAP

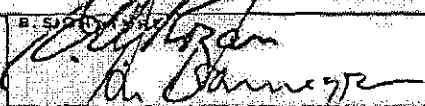
Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

MANUFACTURE OF INDRGANIC CHEMICALS FROM NATURAL BRINES AND DOLDMITIC LIMESTONE AND PURCHASED INORGANIC MATERIALS. PRODUCTS ARE CALCIUM CHLORIDE, MAGNESIUM CHLORIDE, MAGNESIUM HYDROXIDE, BROMINE, AND CATALYSTS.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)															B. SIGNATURE															C. DATE SIGNED														
F. A. ROZAS, DIVISION MANAGER																														9 Nov 80														
M. HANNEGAN, PLANT MANAGER																														Nov 4, 1980														

COMMENTS FOR OFFICIAL USE ONLY

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DOW CHEMICAL U.S.A.

FORM 1

CONSOLIDATED PERMITS PROGRAM

EPA ID NUMBER
MID006016919

ITEM NO. X-E EXISTING ENVIRONMENTAL PERMITS

AIR USE PERMITS FOR POINT SOURCES ISSUED

BY THE STATE OF MICHIGAN TO:

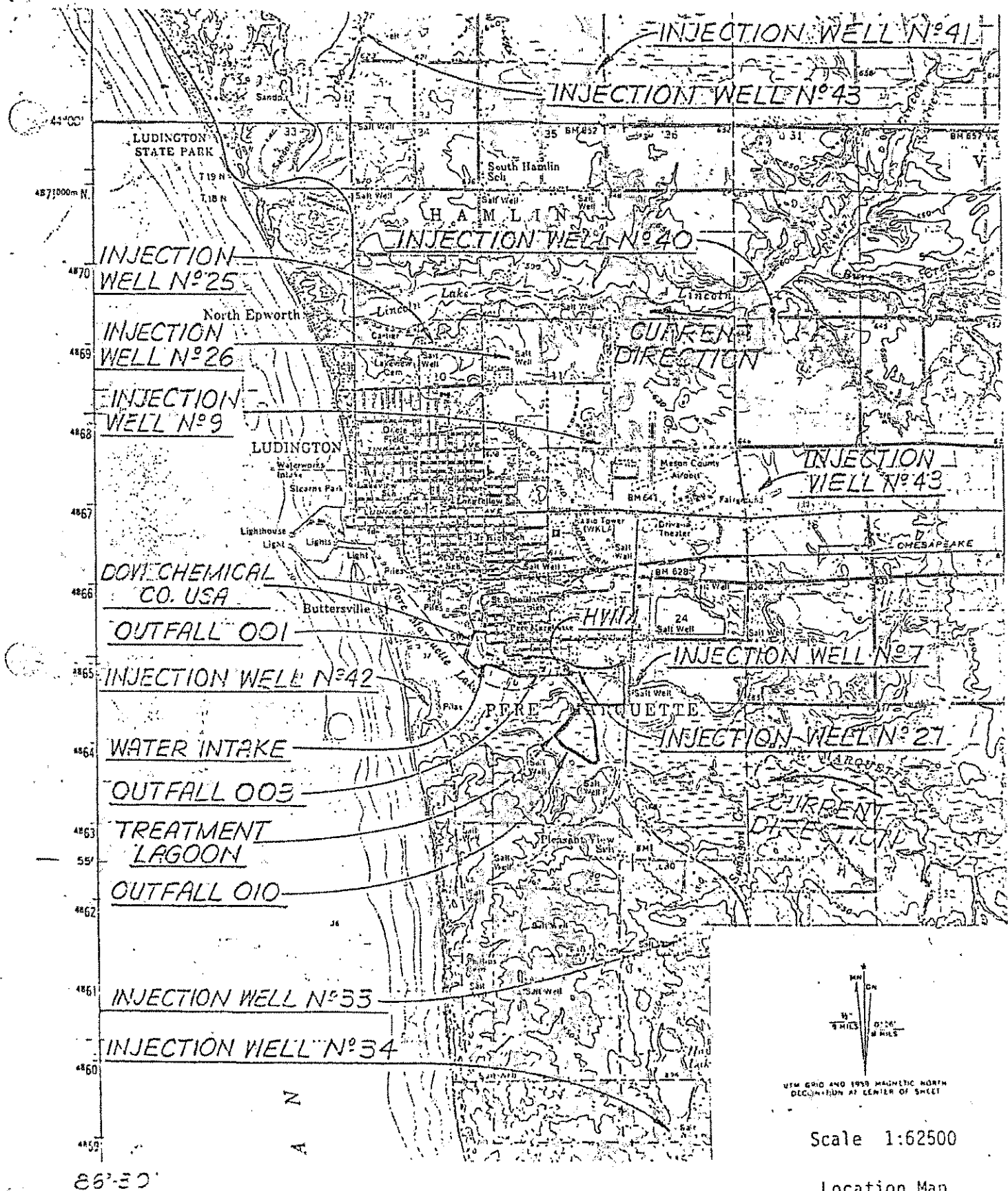
THE DOW CHEMICAL COMPANY

LUDINGTON PLANT

STATE PERMIT NUMBERS

31 - 72
252 - 72
251 - 73
396 - 73
416 - 73
341 - 74
342 - 74
343 - 74
37 - 75
149 - 75
256 - 76
362 - 76
290 - 77
849 - 77
416 - 78
382 - 79





FORM 3 RCRA		U.S. ENVIRONMENTAL PROTECTION AGENCY HAZARDOUS WASTE PERMIT APPLICATION <i>Consolidated Permits Program</i> <i>(This information is required under Section 3005 of RCRA.)</i>	I. EPA I.D. NUMBER <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">5</td> <td style="width: 5%;">6</td> <td style="width: 5%;">7</td> <td style="width: 5%;">8</td> <td style="width: 5%;">9</td> <td style="width: 5%;">0</td> <td style="width: 5%;">1</td> <td style="width: 5%;">2</td> <td style="width: 5%;">3</td> <td style="width: 5%;">4</td> <td style="width: 5%;">5</td> <td style="width: 5%;">6</td> <td style="width: 5%;">7</td> <td style="width: 5%;">8</td> <td style="width: 5%;">9</td> <td style="width: 5%;">0</td> <td style="width: 5%;">1</td> <td style="width: 5%;">2</td> <td style="width: 5%;">3</td> <td style="width: 5%;">4</td> <td style="width: 5%;">5</td> <td style="width: 5%;">6</td> <td style="width: 5%;">7</td> <td style="width: 5%;">8</td> <td style="width: 5%;">9</td> <td style="width: 5%;">0</td> <td style="width: 5%;">1</td> <td style="width: 5%;">2</td> <td style="width: 5%;">3</td> <td style="width: 5%;">4</td> <td style="width: 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FOR OFFICIAL USE ONLY									
APPLICATION APPROVED			DATE RECEIVED (yr, mo, & day)			COMMENTS			
23			24						

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below (mark one box only) to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item 1 above.

A. FIRST APPLICATION (place an "X" below and provide the appropriate date)

- ☒ 1. EXISTING FACILITY (See instructions for definition of "existing" facility.
Complete item below.)

- ☐
2. NEW FACILITY (Complete item below.)

C	YR.	MO.	DAY	FOR EXISTING FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED (use the boxes to the left)
8	62	10	30	
19	72 74	75 76	77 78	

YR.		MO.		DAY	
73	74	75	76	77	78

PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR IS EXPECTED TO BEGIN

B. REVISED APPLICATION (place an "X" below and complete Item I above)

- ☐ 1. FACILITY HAS INTERIM STATUS

- ☐ 2. FACILITY HAS A RCRA PERMIT.

III. PROCESSES - CODES AND DESIGN CAPACITIES

A. **PROCESS CODE** ~ Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process (*including its design capacity*) in the space provided on the form (Item 1)(-C).

B. PROCESS DESIGN CAPACITY — For each code entered in column A enter the capacity of the process.

1. **AMOUNT** — Enter the amount.
2. **UNIT OF MEASURE** — For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
<u>Storage:</u>			<u>Treatment:</u>		
CONTAINER (barrel, drum, etc.)	S01	GALLONS OR LITERS	TANK	T01	GALLONS PER DAY OR LITERS PER DAY
TANK	S02	GALLONS OR LITERS	SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS		T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS	INCINERATOR		
<u>Disposal:</u>			<u>OTHER (Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)</u>		
INJECTION WELL	D79	GALLONS OR LITERS	T04		GALLONS PER DAY OR LITERS PER DAY
LANDFILL	D80	ACRE-FEET (the volume that would cover one acre to a depth of one foot) OR HECTARE-METER			
LAND APPLICATION	D81	ACRES OR HECTARES			
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY			
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS			
UNIT OF MEASURE CODE			UNIT OF MEASURE CODE		
UNIT OF MEASURE		UNIT OF MEASURE	UNIT OF MEASURE		UNIT OF MEASURE
GALLONS	G	LITERS PER DAY	V	ACRE-FEET	A
LITERS	L	TONS PER HOUR	D	HECTARE-METER	F
CUBIC YARDS	Y	METRIC TONS PER HOUR	W	ACRES	B
CUBIC METERS	C	GALLONS PER HOUR	E	HECTARES	Q
GALLONS PER DAY	U	LITERS PER HOUR	H		

EXAMPLE FOR COMPLETING ITEM III (shown in line numbers X-1 and X-2 below): A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

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Continued from the front.

III. PROCESSES (continued)

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES (code "T04"). FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

IV. DESCRIPTION OF HAZARDOUS WASTES

A. EPA HAZARDOUS WASTE NUMBER — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number(s) from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS.....	P	KILOGRAMS.....	K
TONS.....	T	METRIC TONS.....	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES

1. PROCESS CODES:

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV (shown in line numbers X-1, X-2, X-3, and X-4 below) — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARDOUS WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES	
				1. PROCESS CODES (enter)	2. PROCESS DESCRIPTION (if a code is not entered in D(1))
X-1	K 0 5 4	900	P	T 0 3 D S 0	
X-2	D 0 0 2	400	P	T 0 3 D S 0	
X-3	D 0 0 1	100	P	T 0 3 D S 0	
X-4	D 0 0 2				included with above

Continued from page 2.

NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1)												FOR OFFICIAL USE ONLY																																
W	M	I	D	0	0	6	0	1	6	9	1	9	1	2	3	4	5	6	7	8	9	0	W	DUP										1	2	3	4	5	6	7	8	9	0	DUP

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

WASTE NO. 1-26	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES																			
				1. PROCESS CODES (enter)																			
				21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
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IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

EPA I.D. NO. (enter from page 1)

F	M	I	D	0	0	6	0	1	6	9	1	9	T	A	C
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

VI. PHOTOGRAPHS

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, & seconds)

LONGITUDE (degrees, minutes, & seconds)

4	3	5	6	3	0
25	26	27	28	29	30

8	6	2	5	2	0
72	73	74	75	76	77

VIII. FACILITY OWNER

☒ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER

2. PHONE NO. (area code & no.)

3. STREET OR P.O. BOX

4. CITY OR TOWN

5. ST.

6. ZIP CODE

IX. OWNER CERTIFICATION

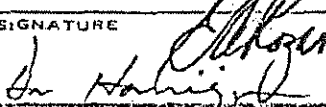
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

E. A. ROZAS, DIVISION MANAGER

D. M. HANNEGAN, PLANT MANAGER

B. SIGNATURE



C. DATE SIGNED

 7 Nov 80
 11-A-E0

X. OPERATOR CERTIFICATION

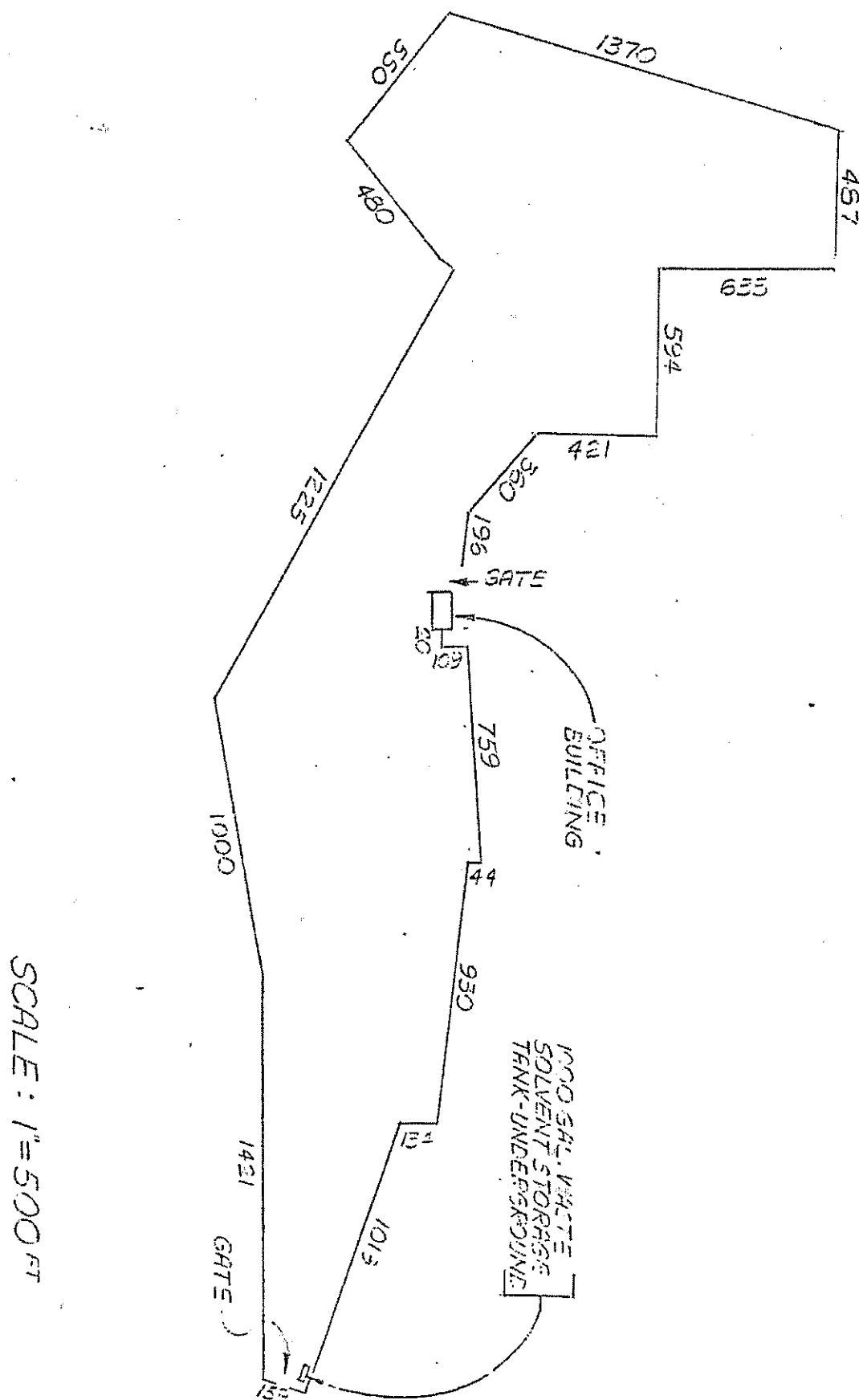
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

B. SIGNATURE

C. DATE SIGNED

V. FACILITY DRAWING (see page 4)





DOW CHEMICAL U.S.A.

November 7, 1980

CENTRAL DIVISION
P.O. BOX 36000
STRONGSVILLE, OHIO 44136

EPA Region V
RCRA Activities
P. O. Box 7861
Chicago, IL 60680

Gentlemen:

This is to certify that the Plant Manager of the Ludington Plant, Central Division of Dow Chemical U.S.A. has overall responsibility for the operation of that facility and activity, and is duly authorized to sign all reports and permits required by the regulations implementing the Hazardous Waste Management Program under the Resource Conservation and Recovery Act (RCRA), the Underground Injection Control (UIC) Program under the Safe Drinking Water Act (SDWA), the National Pollutant Discharge Eliminations System (NPDES) Program and State Dredge or Fill ("4D4") Programs under the Clean Water Act (CWA), and the Prevention of Significant Deterioration (PSD) Program under the Clean Air Act (CAA), and other information requested by the Director. This authorization is made by me in my capacity as authorized signatory for The Dow Chemical Company as defined in 45 C.F.R. 521249.

E. A. Rozas
Division Manager

1h

c

STATE OF MICHIGAN

NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
MARLENE J. FLUHARTY
GORDON E. GUYER
KERRY KAMMER
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE



NOV 30 REC'D

JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

RONALD D. SCOOP, Deputy
XXXXXXXXXXXXXXXXXXXX

Gordon E. Guyer, Director

Roscommon, Michigan 48653
Region II
November 25, 1986

Ben Baker, Manager
Environmental Services
Dow Chemical Company, Ludington Plant
S. Madison and Seventh
Ludington, MI 49431

Dear Mr. Baker:

RE: Closure - #MID 006016919

This office is in receipt of your letter of November 13, 1986,
with the following attachments:

- 1) Soil sampling analytical results.
- 2) Certification of closure activity by an
independent certified professional engineer.
- 3) Notification of change of status.

It appears that these documents complete the closure requirements
for extraction of the former underground solvent storage tank at
your facility. Therefore closure is considered complete and your
facility will now be regulated as a generator of hazardous waste
under Michigan's Hazardous Waste Management Act (P.A. 1979, as
amended).

Enclosed for your information is a copy of my field report
regarding this matter.

Sincerely,

Andrea G. Stewart

bcc: T. Aschehoug
D. Janish

M. Rio, 620 Bldg., Midland

Andrea G. Stewart
Environmental Quality Analyst
HAZARDOUS WASTE DIVISION
(517) 275-5151

AGS:plc

cc Roycraft

PCW

RCRA Inspection Report

EPA Identification Number: M I D 006016919
Installation Name: DOW CHEMICAL CO. - LUDINGTON PLANT
Location Address: S. MADISON AND SEVENTH
City: LUDINGTON State: MI
Date of inspection: 10-02-86 Time of inspection (from) _____ (to) _____

Person(s) interviewed	Title	Telephone
<u>BEN BAKER</u>	<u>MGR. ENVIRON. SERVICES</u>	<u>(616) 845-4390</u>
_____	_____	_____
_____	_____	_____

Inspector(s)	Agency/Title	Telephone
<u>ANDREA STEWART</u>	<u>MDNR EGA</u>	<u>(517) 275-5151</u>

Installation Activity (mark only one box)

Inspection Form #1

- | | |
|--|------|
| <input type="checkbox"/> Treatment/Storage/Disposal per 40 CFR 265.1 and/or Generation and/or Transportation | A |
| <input checked="" type="checkbox"/> Treatment/Storage/Disposal (no generation or Transportation) | A |
| <input type="checkbox"/> Generation and Transportation | E, C |
| <input type="checkbox"/> Generation only | B |
| <input type="checkbox"/> Transportation only | C |
| <u>CLOSURE</u> | |

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DEPARTMENT OF NATURAL RESOURCES

HAZARDOUS WASTE DIVISION

FIELD REPORT

- ☐ Complaint Inspection
☐ Compliance Inspection
☐ PEAS Investigation
☐ PCB Report/Complaint

- ☐ Act 64 _____
☐ Act 136 _____
☐ Act 245 _____
☒ RCRA CLOSURE

		Date	10-2-86	Time	
Company/Facility		Facility No.			
Dow Chemical Company		MID 006016919			
S. Madison & 7th		City	Ludington	Staff	A. Stewart
Participants					
Stewart, Baker, Montgomery, McDowell					
REMARKS:					
Observed removal of 1000-gallon underground tank formerly used for waste solvent					
(1,1,1-Trichloroethane). The tank was used in 1980-81; discontinued in August, 1981.					
Extraction was supervised by Ben Baker, Manager of Environmental Services for Dow. Actual					
sampling as done by Eric Montgomery of Aquatic Systems in Ludington. Samples will be					
analyzed at Dow's labs in Midland. Bob McDowell of McDowell & Associates in Ferndale					
was present to certify removal. The tank appeared to be in good shape and no obvious					
solvent odor was detected from either tank or soil. Samples were taken with a 4-inch					
auger from mostly undisturbed soil. Sample locations were in accordance with closure					
plan (with exception of #6, taken at side of end of tank rather than in middle of end).					
See attached diagram of sampling locations and explanation of analytical method. Mr.					
Baker will submit sampling results when available. If hazardous constituents are not					
detected in soil, certification of extraction and change of status request to generator					
only will be submitted to EPA to complete closure.					
cc EPA					
Baker					

Reproduced by the State of Michigan

ATTACHMENT IV

SAMPLING AND ANALYSIS PLAN FOR CLOSURE OF AN UNDERGROUND TANK AT EPA FACILITY ID NUMBER MID 006016919

<u>Sample</u>	<u>Sampling Method</u>	<u>Sample Type</u>	<u>Analytical Method</u>
Soil samples #1 and #2	ASTM D1452-65 samples will be collected using a tulip bulb planter to obtain cores. About 10 grams from each sample will then be collected and composited. Two replicates from each composite will be collected.	Field composited samples will be collected in a glass container with Teflon lined cap. Bottle size will be selected to minimize vapor head space above sample. Sample will be cooled to 4°C and shipped to Midland for analysis at Dow's Analytical Laboratories.	Infrared (IR) spectrophotometry with carbon disulfide used as a solvent.
Soil samples #2 through #6, inclusive	Same as above.	Same as above.	Same as above.
Soil samples #7 through #10, inclusive	Same as above.	Same as above.	Same as above.

Rationale for Sampling and Analytical Plan

This sampling and analytical plan is intended to determine whether hazardous constituents, specifically 1,1,1-trichloroethane, is present in the soil around the storage tank at the bottom, the mid-way point, or at the top of the tank around the fill pipe. Composite samples will be collected at these three elevations and analyzed by IR spectrophotometry to determine the soil conditions. IR spectrophotometry is sensitive from a range of one (1) to one hundred (100) parts per million. This method is proposed based on the fact that this compound is relatively non-toxic both from a fish and mammalian toxicity standpoint (see EPA's Background Document to Support the Notice of Proposed Rulemaking Pursuant to CERCLA Section 102(6), May 1983, by Rockwell International, Contract No. 68-03-3014) and because contamination, if it is present at all due to a spill or tank failure, would be detected from a release as small as one pound. (The CERCLA reportable quantity for 1,1,1-trichloroethane is 1,000 pounds.)

Quality Assurance

An additional separate sample will be collected from the mid-point elevation of the excavation in a similar manner to the other samples. This sample will be spiked to a ten (10) parts per million concentration and analyzed along with the other three (3) composite samples. In this manner, both the matrix specific sensitivity and the data quality can be verified.

DOW CHEMICAL CO., U.S.A., LUDINGTON

RCRA CLOSURE - EPA FACILITY MID006016915

JOB NO.

SHEET

FILE

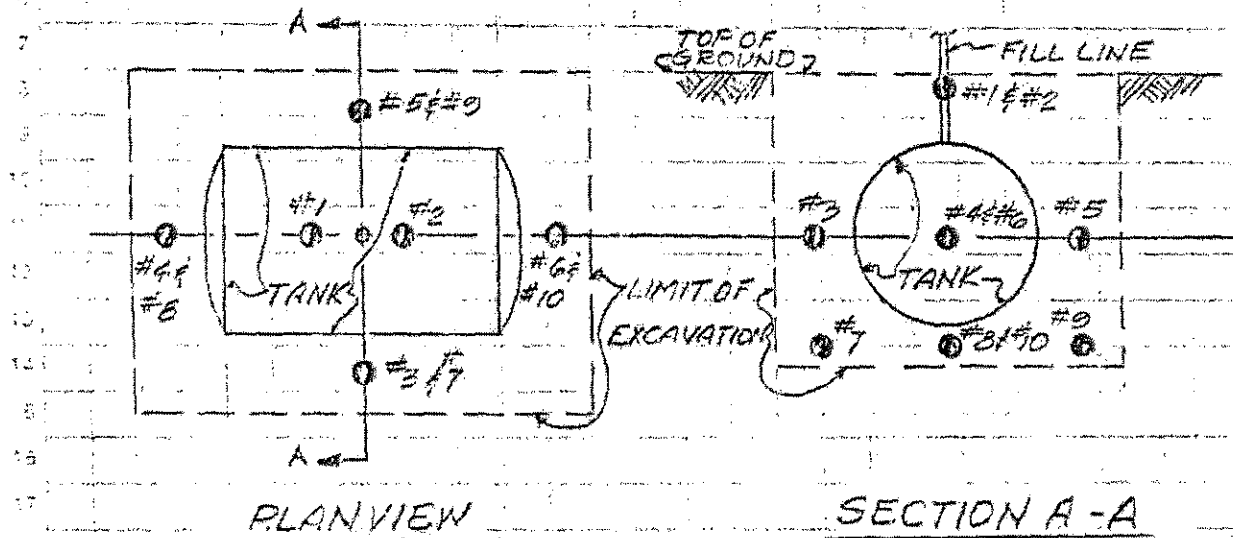
BY

DATE

1 OF 1

CRD

12/18/85

ATTACHMENT IIISAMPLING LOCATION PLAN
UNDERGROUND WASTE STORAGE TANK

NOT TO SCALE

KEY

- ① - DENOTES SOIL
SAMPLE LOCATION

NOTES:

① THIS ATTACHMENT IS ONE OF FOUR
ATTACHMENTS, TOTAL.

② SAMPLE COLLECTION, PRESERVATION
AND ANALYSES WILL BE PERFORMED
PER ATTACHMENT IV OF THIS PACKAGE



DOW CHEMICAL U.S.A.

November 13, 1986

LUDINGTON, MICHIGAN 49431

616 · 845-4411

Mr. Basil G. Constantelos, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V
Chicago, Il. 60609

Dear Mr. Constantelos:

SUBJECT: CLOSURE OF RCRA INTERIM STATUS FACILITY
EPA ID NUMBER MID006016919

This is to notify you that we have completed closure of our underground storage tank used for F001 waste material, in accordance with the closure plan approved by you in a letter dated May 19, 1986.

During the removal of the tank an observer from the Michigan Department of Natural Resources was present, in addition to an independent certified professional engineer.

Attached is his certification letter and a change of status form, indicating we are no longer a storage facility but generator of hazardous waste.

Sincerely,

B.F. Baker, Manager
Environmental Services
Ludington Site
(616) 845-4390

jm

Attachment

cc: Phil Roycraft, MIDNR
Andrea Stewart, MIDNR

ATTACHMENT I

SAMPLE ANALYSIS FOR 1,1,1 - TRICHLORETHANE

<u>Composite of Soil Samples</u>	<u>Analytical Result</u>
1 and 2	ND (1 PPM)
3, 4, 5 and 6	ND (1 PPM)
7, 8, 9, 10	ND (1 PPM)

NOTE: 85% recovery of the 10 PPM 1,1,1 -
trichlorethane spiked sample was obtained.

BB/jm

McDOWELL & ASSOCIATES

10659 Galaxie
Ferndale, Michigan 48220

Phone: 313-399-2066

October 28, 1986

Dow Chemical Company
Building 46
51 Madison Street
Ludington, Michigan 49431

Job No. 86-250

Attention: Mr. Ben Baker

Subject: Engineering Certification
E.P.A. Facility
I.D. No. MID-006016919
Dow Chemical Company
Ludington, Michigan

Gentlemen:

In accordance with your request, I have reviewed the closure of the subject facility. This is a tank used for the storage of P001. I witnessed the tank removal and related testing.

I certify that this is in accordance with Dow's EPA Approved Closure Plan described in Dow's December 19, 1985 and January 31, 1986 letters to the Environmental Protection Agency, and the requirements of 40CFR 265.115.

If we can be of any further service, please feel free to call.

Very truly yours,

McDOWELL & ASSOCIATES

Robert McDowell

U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.
I. NAME OF INSTALLATION
II. INSTALLATION MAILING ADDRESS
III. LOCATION OF INSTALLATION

PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA I.D. NUMBER	APPROVED	DATE RECEIVED (yr., mo., & day)
F M I D 0 0 6 0 1 6 9 1 9		

I. NAME OF INSTALLATION

DOW CHEMICAL COMPANY LUDINGTON PLANT

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

3 SOUTH MADISON & SEVENTH

CITY OR TOWN

4 LUDINGTON

ST.

ZIP CODE

MI 49431

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

5 SOUTH MADISON & SEVENTH

CITY OR TOWN

6 LUDINGTON

ST.

ZIP CODE

MI 49431

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

2 BAKER BEN ENVIRON MANAGER

616-845-4390

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

8 DOW CHEMICAL COMPANY U.S.A.

B. TYPE OF OWNERSHIP (enter the appropriate letter into box)

F - FEDERAL
M - NON-FEDERAL

M

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

☒ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☐ A. FIRST NOTIFICATION☒ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

M I D 0 0 6 0 1 6 9 1 9

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

I.D. - FOR OFFICIAL USE ONLY

W

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)**A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veteriner hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)☐ 1. IGNITABLE
(D001)☐ 2. CORROSIVE
(D002)☐ 3. REACTIVE
(D003)☐ 4. TOXIC
(D004)**X. CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE



NAME & OFFICIAL TITLE (Type or Print)

DONALD JANISH - PLANT MANAGER

DATE SIGNED

11/14/86

D

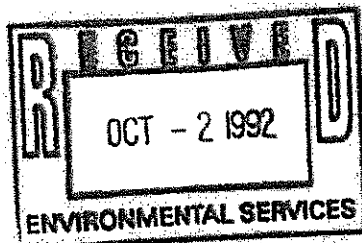


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

bcc: DNR/EPA Corres File
Waste Solvent Stg Tk File
Bill Mitchell
Tex Smith
Tom McCormick, 47



REPLY TO THE ATTENTION OF:

HRE-8J

September 30, 1992

Mr. Mike Ryder
Dow Chemical Company
South Madison Street
Ludington, Michigan 49431

Re: Visual Site Inspection
Dow Chemical Company
Ludington, Michigan
MID 006 016 919

Dear Mr. Ryder:

The United States Environmental Protection Agency (U.S. EPA) Region V will conduct a Preliminary Assessment including a Visual Site Inspection (PA/VSI) at the referenced facility. This inspection is conducted pursuant to the Resource Conservation and Recovery Act, as amended (RCRA) Section 3007 and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) Section 104(e). The referenced facility has generated, treated, stored, or disposed of hazardous waste subject to RCRA. The PA/VSI requires identification and systematic review of all solid waste streams at the facility. The objective of the PA/VSI is to determine whether or not releases of hazardous wastes or hazardous constituents have occurred or are occurring at the facility which may require further investigation. This analysis will also provide information to establish priorities for addressing any confirmed releases.

The visual site inspection of your facility is to verify the location of all solid waste management units (SWMUs) and areas of concern (AOCs) to make a cursory determination of their condition by visual observation. The definitions of SWMUs and AOCs are included in Attachment I. The VSI supplements and updates data gathered during a preliminary file review. During this site inspection, no samples will be taken. A sampling visit to ascertain if releases of hazardous waste or constituents have occurred may be required at a later date.

Assistance of some of your personnel may be required in reviewing solid waste flow(s) or previous disposal practices. The site inspection is to provide a technical understanding of the present and past waste flows and handling, treatment, storage, and disposal practices. Photographs of the facility are necessary to document the condition of the units at the facility and the waste management practices used.

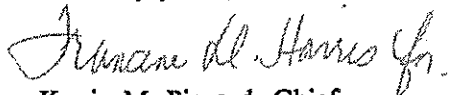
The VSI has been scheduled for October 13, 1992 at 8:30 a.m. The inspection team will consist of Manoj Mishra and Celeste Brancel of PRC Environmental Management, Inc., a contractor for the U.S. EPA. Representatives of the Michigan Department of Natural Resources (MDNR) may also be present. Your cooperation in admitting and assisting them while on site is appreciated.

Mr. Mike Ryder
September 30, 1992
Page 2

The U.S. EPA recommends that personnel who are familiar with present and past manufacturing and waste management activities be available during the VSI. Access to any relevant maps, diagrams, hydrogeologic reports, environmental assessment reports, sampling data sheets, environmental permits (air, NPDES), manifests and/or correspondence is also necessary, as such information is needed to complete the PA/VSI.

If you have any questions, please contact me at (312) 886-4448 or Francene Harris at (312) 886-2884. A copy of the Preliminary Assessment/Visual Site Inspection Report, excluding the conclusions and Executive Summary portion will be sent when the report is available.

Sincerely yours,



Kevin M. Pierard, Chief
OH/MN Technical Enforcement Section

Enclosure

cc: Ken Burda, MDNR, Lansing
Dennis Drake, MDNR, Lansing
Jim McLaughlin, Cadillac

ATTACHMENT I

The definitions of solid waste management unit (SWMU) and area of concern (AOC) are as follows.

A SWMU is defined as any discernable unit where solid wastes have been placed at any time from which hazardous constituents might migrate, regardless of whether the unit was intended for the management of a solid or hazardous waste.

The SWMU definition includes the following:

- RCRA regulated units, such as container storage areas, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators, and underground injection wells
- Closed and abandoned units
- Recycling units, wastewater treatment units, and other units that U.S. Environmental Protection Agency has generally exempted from standards applicable to hazardous waste management units
- Areas contaminated by routine and systematic releases of wastes or hazardous constituents, such as wood preservative treatment dripping areas, loading or unloading areas, or solvent washing areas

An AOC is defined as any area where a release to the environment of hazardous wastes or constituents has occurred or is suspected to have occurred on a nonroutine or nonsystematic basis. This includes any area where such a release in the future is judged to be a strong possibility.

PRC requests that, if available, the following facility information be provided during the VSI:

1. Two copies of a detailed map of the facility
2. Facility history, including dates of operation, ownership changes, and production processes
3. Current facility operations
4. Processes that generate waste that is treated, stored, or disposed of at the facility
5. Records of disposal of wastes generated at the facility (manifests, annual reports, etc...)
6. Security at the facility
7. Information regarding geology and the uses of ground water and surface water in the area
8. Permits (air, NPDES, etc...) the facility currently holds or has held in the past and documentation of any permit violations that may have occurred
9. Records of any spills that may have occurred at the facility
10. Descriptive operational information (location, dimensions, capacity, materials of construction, etc...), dates of start-up and closure, wastes managed, release controls, and release history for each SWMU



Dow U.S.A.

The Dow Chemical Company
LUD

October 8, 1992

Mr. Kevin M. Pierard, Chief
OH/MN Technical Enforcement Section
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Certified Mail No. P-096-797-838

Dear Mr. Pierard,

RE: Visual Site Inspection for The Dow Chemical Co,
Ludington, Michigan

In our telephone conversation on October 2, 1992, you indicated that a Visual Site Inspection (VSI) of the Ludington Site would not be required if we could certify and document that our original RCRA Part A application was filed protectively. Our Part A was originally filed for an underground storage tank used for the storage of spent chlorinated solvents and oils. It is my understanding, through Celeste Brancel at PRC Environmental Management, that you have indicated that verification that this storage tank was used for less than 90 day storage only would adequately demonstrate that our Part A application was indeed filed protectively. Our records show that the waste solvent storage tank was installed in November of 1980 and was taken out of service in August of 1981. During the nine months that it was in service, it was emptied on the following dates: January 16, April 14, June 30, and August 13, 1981. Copies of the following original documents are attached.

Enclosure 1	Letter from G.R. Veurink, Dow USA, to Mr. James Mayka, USEPA Region 5, dated July 22, 1985. Letter specifies period of tank use and proposed closure plan.
Enclosure 2	Dow USA internal letter specifying termination of tank use, dated August 8, 1981
Enclosure 3	Hazardous Waste Manifest, January 16, 1981
Enclosure 4	Hazardous Waste Manifest, April 14, 1981
Enclosure 5	Hazardous Waste Manifest, June 30, 1981
Enclosure 6	Hazardous Waste Manifest, August 13, 1981

Based on my review of our files and the attached documents, I hereby certify that our original RCRA Part A application was filed protectively. If you have any questions regarding this information, please call me.

Sincerely,

Michael W. Ryder, Manager
Environmental Services
616-845-4390

Enclosure #1

DOW CHEMICAL U.S.A.

July 22, 1985

MICHIGAN DIVISION
MIDLAND, MICHIGAN 48640

Mr. James Mayka, P.E.
Technical Program Section, SHS-13
Solid Waste Branch
U.S. Environmental Protection Agency-Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Mayka:

SUBJECT: CLOSURE OF STORAGE FACILITY, EPA ID NUMBER MID 006016919

In accordance with the requirements of 40 CFR 265 Subpart G, we are hereby submitting notice of intent to close subject facility. This facility consists of a 1,000 gallon capacity underground tank used for the storage of F001 waste. The tank was installed in November, 1980 and use of the tank was discontinued in August, 1981. At that time, the tank was rinsed clean with fuel oil, pumped empty and has been unused since.

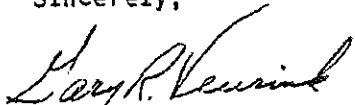
The proposed Closure Plan consists of the following activities:

1. Excavate and remove tank and visibly inspect for integrity.
2. Determine tank integrity using a non-destructive test (such as a pressure test).
3. Inspect excavation to visually determine the presence or absence of residual waste.
4. Collect a representative soil sample and analyze for the presence of the F001 waste by infrared spectrophotometry.
5. Perform closure certification activities.

We hereby request your review and written approval of this plan as expeditiously as possible. Thank you for your consideration of this matter.

Should you have any questions, please contact Mr. Ric Olson at (517)636-3916.

Sincerely,



G. R. Veurink, Manager
Environmental Services
628 Building
(517)636-2646



DOW CHEMICAL U.S.A.

Enclosure #2

August 8, 1981

Waste Solvent Collection Please Note:

The east yard solvent tank (underground) will not be used after 8-10-81. Please use 55 gallon 90 day storage containers from now on.

Maintenance

cc: J. TILBORY

HAZARDOUS WASTE MANIFEST

Manifest Number
 9 8 - 0 1 - 1 5 - 8 1 - 0 1
 Location Month Day Year No.
 Code

Enclosure #3

Generator		Transporter		Treatment, Storage, or Disposal Facility	
Company Name, Mailing Address, Telephone No.		Company Name, Mailing Address, Telephone No.		Company Name, Mailing Address, Telephone No.	
Dow Chemical U.S.A. 616/845-4516 S. Madison Street Ludington, MI 49431 EPA I.D. No. 006016919		Adams Trucking Inc. 616/869-5254 Box 777 Pentwater, MI 49449 EPA I.D. No. MIH 60297		DOW CHEMICAL COMPANY MIDLAND, MICHIGAN 48640 517/ 636-4400 EPA I.D. No. MIT 270019870	

ITEM NO.	NO. OF UNITS	CONTAINER TYPE	D.O.T. SHIPPING NAME AND DESCRIPTION	D.O.T. HAZARD CLASS NAME	HAZARD CLASS CODE	U.N./N.A. NO.	EPA WASTE CODE NUMBER	TOTAL LBS. WASTE
1	1	T/T	RQ Waste Combustible Liquid N.O.S.	Combustible	01	NA 1993	F 001	14,000

EMERGENCY RESPONSE INFORMATION

1. Contain release. 2. Avoid personnel exposure. 3. Call (517) 636-4400 to report spill and to obtain assistance. 4. Special:

CERTIFICATION

This is to certify that the above-named materials are properly classified, described, packaged, marked and labelled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the U.S. Environmental Protection Agency.

Generator's Signature
 Edward G. Huller
 Print Name
 Date Shipped
 845-4444
 Phone Number

This is to certify acceptance of the hazardous waste shipment.

Transporter's Signature
 Mike Truitt
 Print Name
 Date Accepted
 1-15-80

This is to certify acceptance of the hazardous waste for treatment, disposal, or storage.

TSDF Signature
 R. J. Beyersday
 Date Accepted
 1-16-81
 This is to certify that, to the best of my knowledge, the hazardous wastes have been disposed of by the Disposal Method and on the date so indicated.
 TSDF Signature
 R. J. Beyersday
 Disposal Method
 Incineration
 Date
 1-16-81

GENERATOR RETURN COPY -- DISPOSAL CERTIFICATE

HAZARDOUS WASTE MANIFEST

Manifest Number
 9 8 - 0 4 - 1 4 - 8 1 - 0 2
 Location Code Month Day Year No.

Enclosure #4

Generator Company Name, Mailing Address, Telephone No. Dow Chemical U.S.A. 616/845-4516 S. Madison Street Iandington, MI 49431 EPA I.D. No.		Transporter Company Name, Mailing Address, Telephone No. Coastal Tank Lines 517/278-3700 250 N. Cleveland - Massillon Rd. P.O. Box 5555 Akron, OH 44313 EPA I.D. No. MID - 049270614		Treatment, Storage, or Disposal Facility Company Name, Mailing Address, Telephone No. DOW CHEMICAL COMPANY MIDLAND, MICHIGAN 48640 517/ 636-4400 MID 000724724 EPA I.D. No.	
---	--	---	--	---	--

ITEM NO.	NO. OF UNITS	CONTAINER TYPE	D.O.T. SHIPPING NAME AND DESCRIPTION	D.O.T. HAZARD CLASS NAME	HAZARD CLASS CODE	U.N./H.A. NO.	EPA WASTE CODE NUMBER	TOTAL LBS. WASTE
1	1	T/T	RQ Waste Combustible Liquid N.O.S.	Combustible	01	NA 1993	F 001	13,800 lbs.

EMERGENCY RESPONSE INFORMATION

1. Contain release. 2. Avoid personnel exposure. 3. Call (517) 636-4400 to report spill and to obtain assistance. 4. Special:

CERTIFICATION

This is to certify that the above-named materials are properly classified, described, packaged, marked and labelled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the U.S. Environmental Protection Agency.

Generator's Signature
 Edward G. Huller
 Date Shipped
 845-4444
 Phone Number

This is to certify acceptance of the hazardous waste shipment.

Transporter's Signature
 Scott Simmons
 Print Name
 Scott Simmons

This is to certify acceptance of the hazardous waste for treatment, disposal, or storage.

TSDF Signature
 Date Accepted
 4/14/81
 This is to certify that, to the best of my knowledge, the hazardous wastes have been disposed of by the Disposal Method and on the date so signified.
 Disposal Method
 Incineration
 Disposal Date
 4-14-81

GENERATOR RETURN COPY -- DISPOSAL CERTIFICATE

WASTE DISPOSAL MANIFEST

☒ Act 64 Waste (HAZARD,) ☐ Act 136 Waste (OTHER)

MI U03U000

Generator's Name DOW CHEMICAL USA		Primary Transporter's Name COASTAL TANK LINES		Treatment, Storage or Disposal Facility DOW CHEMICAL CO	
Generator's Address S. MADISON ST. 49431 LUDINGTON, MI		Transporter's Address 250 N. CLEVELAND-MASSILLON RD P.O. BOX 5555 AKRON, OH 44313		Facility Address MIDLAND, MI 48640	
Phone Number 616 845-4516		Phone Number (517) 496-3700		Phone Number (517) 636-4400	
Generator's Site EPA I.D. Number 11D00601169191		Transporter's EPA I.D. Number MI1D0492706114		Facility Site EPA I.D. Number MI1D0007124724	

If more than one Transporter is to be utilized, give the Name and EPA I.D. Number of each:

U.S. D.O.T. Shipping Name	D.O.T. Hazard Class	U.N./N.A. No.	Haz. Class Code	Container No.	Type	Form	Weight or Volume	Units	Hazardous Waste Number
RQ WASTE FLAMMABLE LIQUID NOS.	FLAMMABLE	UN-1193	011	1	TR	X	132190 LBS	F 101011	
								D 101011	

Final Summary

Include Safety precautions and special handling instructions.

GENERATOR CERTIFICATION: I certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and EPA. I further certify that the information contained on the manifest is factual. I understand that the failure to accurately report all information requested by the manifest constitutes a violation of 1979 PA64 and/or PA136. I further understand that this manifest may be used in administrative and court proceedings.		Date Shipped MO. DAY YEAR 08/11/3181	
GENERATOR'S CERTIFICATION: I certify acceptance of the above identified wastes for transportation. I further certify that I shall deliver the hazardous wastes, together with this manifest, only to the destination specified by the generator on this manifest. I understand that this manifest can be used in administrative and court proceedings.		Date(s) Received 08/11/3181	
Transporter Signature <i>[Signature]</i>		Subsequent transporter(s) signature(s) <i>[Signature]</i>	
Transporter Vehicle I.D. No. No. 1 H124-9		Subsequent transporter(s) Vehicle I.D. No's	
The shipment cannot be delivered, describe the reasons for non-delivery.			
TSDF CERTIFICATION: I certify receipt at this facility of the above identified wastes and that this facility is licensed to accept those wastes. I also certify that the wastes were accompanied by a manifest properly certified by both the generator and hauler and that this is the destination indicated on the manifest. I understand that this manifest can be used in administrative and court proceedings.		Date Received 08/11/3181	
TSDF Signature <i>[Signature]</i>		Facility Site EPA ID Number MI1D0007124724	
Accepted <input checked="" type="checkbox"/> Rejected <input type="checkbox"/>		Data Received 08/11/3181	

scribes any significant discrepancies between manifest and shipment.

E



ANIFER M. GRANHOLM
GOVERNOR

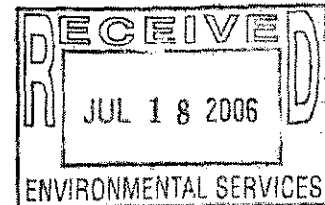
STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

July 13, 2006

The Dow Chemical Company
Attn: Mr. Michael W. Ryder
Environment, Health, and Safety
1600 South Madison Street
Ludington, Michigan 49431



Dear Mr. Ryder:

SUBJECT: Error in User Charge Invoice

In February 2006, the Department of Environmental Quality, Waste and Hazardous Materials Division (WHMD) mailed a User Charge Package containing invoice #366299 for The Dow Chemical Company Ludington location. In response to your letter dated June 30, 2006 and a recent review of our records, the WHMD has found an error in the invoicing system: The Dow Chemical Company Ludington location should not have been charged \$2,000 as a treatment, storage, and disposal (TSD) facility.

The WHMD has revised the invoice removing the \$2,000 TSD user charge and has enclosed it with this letter. You may recycle the previous invoice. The WHMD apologizes for any inconvenience this error may have caused.

Payment of \$188 was received on April 19, 2006. Invoice #366299 is paid in full.

Sincerely,

Julie Blanchard
Department Analyst
Department of Environmental Quality
Waste and Hazardous Materials Division
517-335-3384

Enclosure

cc: Mr. Steve Buda, DEQ
Ms. Connie Pennell, DEQ
Ms. Elizabeth Bols, DEQ

File: Haz Waste User Fee Budes
cc: DEQ Consp File
cc: Sharon Woolman
Dave Gustafson
Toby Throck
Kathy Dahl
cc: RCRA Facility Status File



Michigan Department of
Environmental Quality

Invoice Number: **366299**

Invoice Date: **1/27/2006**

DUE ON OR BEFORE APRIL 30, 2006

Waste and Hazardous Materials Division
PO Box 30241, Lansing, Michigan 48909-7741

REMIT TO: MICHIGAN DEPT. OF ENVIRONMENTAL QUALITY
CASHIER'S OFFICE - HWUC
PO BOX 30657
LANSING, MI 48909-8157

For questions or to request forms, please call:
Telephone: 517-335-5318

Make check or money order payable to:
State of Michigan and include Invoice No. on check.

FISCAL YEAR 2006 HAZARDOUS WASTE USER CHARGE INVOICE

For: THE DOW CHEMICAL COMPANY
MID006016919
MASON county

Located at: 1600 S MADISON STREET
LUDINGTON, MI 49431-2568

Fee Type (A)	Activity Start Date (B)	Corrected Activity Start Date (C)	Amount Generated / Number Processed (D)	Corrected Amount Generated / Corrected Number Processed (E)	Amount of User Charge (F)	Corrected Amount (G)
Manifest - number of manifests processed for shipments of hazardous waste (\$8/manifest)			11		\$88.00	
VLQG - hazardous waste generated > 900,000 kg (\$1000)						
TSD - had licensed or interim status unit during the year (\$2000)						
LQG - hazardous waste generated > 1,000 kg/mo and < 900,000 kg/yr (\$400)						
SQG - hazardous waste generated > 100 kg/mo and < 1,000 kg/mo (\$100)	04/22/2005				\$100.00	
Used Oil - processed used oil during the year (\$100)						
Total Invoice:					\$188.00	
Corrected Total Invoice:						

I certify that the information contained on this form, to the best of my knowledge and belief, is true, accurate, and complete.

Issued under authority of PART 111 of PA 451 of 1994, as amended. Failure to sign this form and submit payment by the due date will result in penalty as prescribed by law.

Signature (REQUIRED)

Date

Please Print Your Name

For DEQ Internal Use Only			For Cashier's Use Only
Payment Entered	Site Data Entered	AR Data Entered	
Staff Processing Comments			
EQP5104 (9/21/04)			



June 30, 2006

The Dow Chemical Company
Ludington, Michigan 49431
616 • 845-4411

Fed-Ex Number: 791985628051

Michigan Department of Environmental Quality
Waste and Hazardous Materials Division
User Charge Program
P.O. Box 30241
Lansing, MI 48909-7741

cc: Ms. Carol Menovske, MDEQ – Waste & Hazardous Materials, P.O. Box 30241, Lansing, MI 48909
Ms. Julie Blanchard, MDEQ – Waste & Hazardous Materials, P.O. Box 30241, Lansing, MI 48909
Mr. Stephen Buda, MDEQ – Waste & Hazardous Materials, P.O. Box 30241, Lansing, MI 48909

NONPAYMENT OF 2006 HAZARDOUS WASTE USER CHARGE
THE DOW CHEMICAL COMPANY, LUDINGTON SITE
MID 006 016 919

This letter is in follow-up to your June 1, 2006 letter regarding nonpayment of 2006 Hazardous waste user fees for The Dow Chemical Company's Ludington site. As specified in that letter, we are contesting the \$2,000 user fee and the proposed 5% administrative penalty by requesting an informal conference to discuss the treatment, storage and disposal facility (TDSF) status that has been assigned to the Ludington site. Our belief, based on the attached records, is that the facility never operated as a TDSF. Rather, a Part A application was filed protectively and never proceeded further. The facility operated a less-than-90-day tank for a period of about 9 months, then closed and removed the tank. Since there is no requirement to obtain a TDSF license for a less-than-90-day tank, our understanding is that Dow's Ludington site is not and never was a TDSF. Consequently, the user fee should not apply.

Dow had taken/is taking the following actions:

1. Submission of the uncontested portion of the user fee (SQG) was completed on April 13, 2006 via Federal Express (tracking no. 7914 4401 4353).
2. Dow has reviewed the "FAQ on the 2005 TDSF User Charge" document available on the State of Michigan website. The FAQ appears to indicate that if a facility was in fact a TDSF, the user fee would apply. However, as noted above, Dow's Ludington site never operated as a TDSF.
3. Dow is gathering additional information on the Part A application submitted by the Ludington site for a waste solvent tank and the subsequent closure of the waste solvent tank. We are submitting the information currently in our possession at this time as requested in your June 1, 2006 letter; and additional information will be submitted under separate cover or at the time of the meeting.

Dow would like to discuss this issue further with the MDEQ, and we look forward to the informal conference. In the interim, if you have any questions regarding this information, please contact David Gustafson at (989) 636-2953 or Sharon Woolman at (989) 636-4644.

Michael W. Ryder
EH&S Responsible Care Leader
Environment, Health, and Safety
1600 S Madison Street
Ludington, MI 49431
231-845-4390

Attachments

LUDINGTON OPERATIONS
June 30, 2006

Fed-Ex Number: 791985628051

MDEQ-WHMD
User Charge Program
Hazardous Waste Section
P.O. Box 30241
Lansing, MI 48909-7741

cc: Ms. Carol Menovske, MDEQ-- Waste & Hazardous Materials, P.O. Box 30241, Lansing, MI 48909
Ms. Julie Blanchard, MDEQ-- Waste & Hazardous Materials, P.O. Box 30241, Lansing, MI 48909
Mr. Stephen Buda, Acting Section Chief, P.O. Box 30241, Lansing, MI 48909

NONPAYMENT OF 2006 HAZARDOUS WASTE USER CHARGE
THE DOW CHEMICAL COMPANY, LUDINGTON OPERATIONS
MID 006 016 919

bcc: K. Dahl, 1261 Bldg.
T. Threet, 1790 Bldg.
D. Gustafson, 1790 Bldg.
S. Woolman, 1261 Bldg.



Dow U.S.A.

The Dow Chemical Company
Ludr

October 8, 1992

Mr. Kevin M. Pierard, Chief
OH/MN Technical Enforcement Section
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Certified Mail No. P-096-797-838

Dear Mr. Pierard,

RE: Visual Site Inspection for The Dow Chemical Co.,
Ludington, Michigan

In our telephone conversation on October 2, 1992, you indicated that a Visual Site Inspection (VSI) of the Ludington Site would not be required if we could certify and document that our original RCRA Part A application was filed protectively. Our Part A was originally filed for an underground storage tank used for the storage of spent chlorinated solvents and oils. It is my understanding, through Celeste Brancel at PRC Environmental Management, that you have indicated that verification that this storage tank was used for less than 90 day storage only would adequately demonstrate that our Part A application was indeed filed protectively. Our records show that the waste solvent storage tank was installed in November of 1980 and was taken out of service in August of 1981. During the nine months that it was in service, it was emptied on the following dates: January 16, April 14, June 30, and August 13, 1981. Copies of the following original documents are attached.

Enclosure 1	Letter from G.R. Veurink, Dow USA, to Mr. James Mayka, USEPA Region 5, dated July 22, 1985. Letter specifies period of tank use and proposed closure plan.
Enclosure 2	Dow USA internal letter specifying termination of tank use, dated August 8, 1981
Enclosure 3	Hazardous Waste Manifest, January 16, 1981
Enclosure 4	Hazardous Waste Manifest, April 14, 1981
Enclosure 5	Hazardous Waste Manifest, June 30, 1981
Enclosure 6	Hazardous Waste Manifest, August 13, 1981

Based on my review of our files and the attached documents, I hereby certify that our original RCRA Part A application was filed protectively. If you have any questions regarding this information, please call me.

Sincerely,

Michael W. Ryder, Manager
Environmental Services
616-845-4390

Enclosure #1

DOW CHEMICAL U.S.A.

July 22, 1985

MICHIGAN DIVISION
MIDLAND, MICHIGAN 48640

Mr. James Mayka, P.E.
Technical Program Section, 5HS-13
Solid Waste Branch
U.S. Environmental Protection Agency-Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Mayka:

SUBJECT: CLOSURE OF STORAGE FACILITY, EPA ID NUMBER MID 006016919

In accordance with the requirements of 40 CFR 265 Subpart G, we are hereby submitting notice of intent to close subject facility. This facility consists of a 1,000 gallon capacity underground tank used for the storage of F001 waste. The tank was installed in November, 1980 and use of the tank was discontinued in August, 1981. At that time, the tank was rinsed clean with fuel oil, pumped empty and has been unused since.

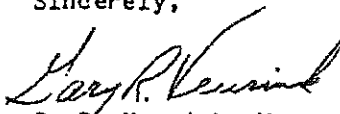
The proposed Closure Plan consists of the following activities:

1. Excavate and remove tank and visibly inspect for integrity.
2. Determine tank integrity using a non-destructive test (such as a pressure test).
3. Inspect excavation to visually determine the presence or absence of residual waste.
4. Collect a representative soil sample and analyze for the presence of the F001 waste by infrared spectrophotometry.
5. Perform closure certification activities.

We hereby request your review and written approval of this plan as expeditiously as possible. Thank you for your consideration of this matter.

Should you have any questions, please contact Mr. Ric Olson at (517)636-3916.

Sincerely,


G. R. Veurink, Manager
Environmental Services
628 Building
(517)636-2646

ccr

AN OPERATING UNIT OF THE DOW CHEMICAL COMPANY



DOW CHEMICAL U.S.A.

Enclosure #2

August 8, 1981

Waste Solvent Collection Please Note:

The east yard solvent tank (underground) will not be used after 8-10-81. Please use 55 gallon 90 day storage containers from now on.

Maintenance

cc: J. TILBORY

9 8 - 0 1 - 1 5 - 8 1 - 0 1
 Location Month Day Year No.
 Code

Enclosure #3

Generator		Transporter		Treatment, Storage, or Disposal Facility	
Company Name, Mailing Address, Telephone No. Dow Chemical U.S.A. 616/845- S. Madison Street 4516 Ludington, MI 49431 EPA I.D. No. MID 006016919		Company Name, Mailing Address, Telephone No. Adams Trucking Inc. 616/869-5254 Box 777 Pentwater, MI 49449 EPA I.D. No. MIH 60297		Company Name, Mailing Address, Telephone No. DOW CHEMICAL COMPANY MIDLAND, MICHIGAN 48640 517/ 636-4400 EPA I.D. No. MIT 270019870	

ITEM NO.	NO. OF UNITS	CONTAINER TYPE	D.O.T. SHIPPING NAME AND DESCRIPTION	D.O.T. HAZARD CLASS NAME CODE	U.R./N.A. NO.	EPA WASTE CODE NUMBER	TOTAL LBS. WASTE
1	1	T/T	RQ Waste Combustible Liquid N.O.S.	Combustible 01	NA 1993	F 001	14,000

EMERGENCY RESPONSE INFORMATION

1. Contain release. 2. Avoid personnel exposure. 3. Call (517) 636-4400 to report spill and to obtain assistance. 4. Special:

CERTIFICATION

This is to certify that the above-named materials are properly classified, described, packaged, marked and labelled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the U.S. Environmental Protection Agency.

Generator's Signature
E. G. Huller

Edward G. Huller

Print Name

Date Shipped
 1/15

845-4444

Phone Number

Transporter's Signature
Mike Truett

Print Name

Date Accepted
 1-15-80

Date Accepted

This is to certify acceptance of the hazardous waste for treatment, disposal, or storage.

R. J. Beyersdorf 1-16-81

TSD Signature Date Accepted

This is to certify that, to the best of my knowledge, the hazardous wastes have been disposed of by the Disposal Method and the Date so signed.

R. J. Beyersdorf 1-16-81

TSD Signature Date Disposal

Disposal Method Incineration

GENERATOR RETURN COPY -- DISPOSAL CERTIFICATE

Manifest Number
9 8 - 0 4 - 1 4 - 8 1 - 0

Location Month Day Year No.
Code

Enclosure #4

Generator		Transporter		Treatment, Storage, or Disposal Facility	
Company Name, Mailing Address, Telephone No. Dow Chemical U.S.A. 616/845- S. Madison Street 4516 Ludington, MI 49431 EPA I.D. No.		Company Name, Mailing Address, Telephone No. Coastal Tank Lines 1/708-3700 250 N. Cleveland - Massillon Rd. P.O. Box 5555 Akron, OH 44313 EPA I.D. No. MID - 049270614		Company Name, Mailing Address, Telephone No. DOW CHEMICAL COMPANY MIDLAND, MICHIGAN 48640 517/ 636-4400 MID 000724724 EPA I.D. No.	

ITEM NO.	NO. OF UNITS	CONTAINER TYPE	D.O.T. SHIPPING NAME AND DESCRIPTION	D.O.T. HAZARD CLASS NAME CODE	U.N./R.A. No.	EPA WASTE CODE NUMBER	TOTAL LBS. WASTE
1	1	T/T	RQ Waste Combustible Liquid N.O.S.	Combustible 01	NA 1993	F 001	13,800 lbs.

EMERGENCY RESPONSE INFORMATION

1. Contain release. 2. Avoid personnel exposure. 3. Call (517) 636-4400 to report spill and to obtain assistance. 4. Special:

CERTIFICATION

This is to certify that the above-named materials are properly classified, described, packaged, marked and labelled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the U.S. Environmental Protection Agency.

Generator's Signature
Edward G. Huller
Date Shipped
845-4444
Phone Number

This is to certify acceptance of the hazardous waste shipment.

Transporter's Signature
Scott Simmons
Date Accepted
4/14/81
Print Name

This is to certify acceptance of the hazardous waste for treatment, disposal, or storage.

TSD Facility Signature
Date Accepted
4/14/81
This is to certify that, to the best of my knowledge, the hazardous wastes have been disposed of by the Disposal Method and on the date so signified.
TSD Facility Signature
Disposal Method Incineration
Date

GENERATOR RETURN COPY -- DISPOSAL CERTIFICATE

WASTE DISPOSAL MANIFEST

☒ Act 64 Waste (HAZARDOUS)

☐ Act 138 Waste (OTHER)

ENCLOSURE 5

MI 001400

Generator's Name DOM CHEMICAL USA		Primary Transporter's Name COASTAL TANK LINES		Treatment, Storage or Disposal Facility DOM CHEMICAL CO	
Site Address S. MADISON STREET LUDINGTON, MI 49431		Transporter's Address 250 N. CLEVELAND-MASSILLON RD P.O. BOX 5553 AKRON, OH 44313		Facility Address MIDLAND, MI 48640	
Phone Number 616 845-4516		Phone Number 517 496-3700		Phone Number 517 636-4400	
Generator's Site EPA ID Number MID000001616191191		Transporter's EPA ID Number MI D0049270614		Facility Site EPA ID Number MI D0000724724	

If more than one transporter is to be utilized, give the Name and EPA ID Number of each:

LOT NO.	U.S. D.O.T. Shipping Name	D.O.T. Hazard Class	U.N./N.A. No.	Haz. Class Code	Container			Units	Hazardous Waste Number
					No.	Type	Form		
1.	RO WASTE COMBUSTIBLE LIQUID NOS.	COMBUSTIBLE	NA 1993	011	1	TR	X	17840 LBS	1
2.									
3.									
4.									
5.									
6.									

Include Safety precautions and special handling instructions.

CALL 800-424-9300 - TO REPORT SPILL AND TO OBTAIN ASSISTANCE

GENERATOR CERTIFICATION: I certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and U.S. EPA. I further certify that the information contained on the manifest is factual. I understand that the failure to accurately report all information requested by the manifest constitutes a violation of 1979 PAF4 and/or PAF38. I further understand that this manifest may be used in administrative and court proceedings.		Generator Signature <i>[Signature]</i>		Date Shipped MO. DAY YEAR 05 30 81
HAULER'S CERTIFICATION: I certify acceptance of the above identified wastes for transportation. I further certify that I shall deliver the hazardous wastes, together with this manifest, only to the destination specified by the generator on this manifest. I understand that this manifest can be used in administrative and court proceedings.		Transporter Signature <i>[Signature]</i>		Date Received MO. DAY YEAR 05 30 81
If the shipment cannot be delivered, describe the reasons for non-delivery.		Subsequent transporter(s) signature(s)		
TSDF CERTIFICATION: I certify receipt at this facility of the above identified wastes and that this facility is licensed to accept those wastes. I also certify that the wastes were accompanied by a manifest properly certified by both the generator and hauler and that this facility is the destination indicated on the manifest. I understand that this manifest can be used in administrative and court proceedings.		TSDF Signature <i>[Signature]</i>		Date Received MO. DAY YEAR 05 30 81

Describe any significant discrepancies between manifest and shipment.

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Treatment, Storage or Disposal Facility

0-16-7

MIDLAND, MI : 48640

Phone Number 717 252 1100

1511636-4400

Facility Site EPA ID: Number

9	1	0	0	0	1	2	4	7	2	4
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hazardous

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Date Shipped
MO. DAY YEAR

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Date Received: 11/23/11

... MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYSTEM AT 800-234-4706, 24 HOURS PER DAY AND THE NATIONAL RESPONSE CENTER AT 800-234-5500



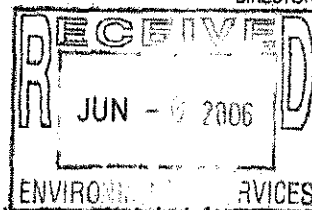
JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

June 1, 2006



Dear Owner/Operator:

SUBJECT: Nonpayment of 2006 Hazardous Waste User Charge Invoice(s) and Administrative Fine

The Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Materials Division (WHMD), has not received payment for the hazardous waste user charge invoice(s) issued for your site.

Pursuant to Section 324.11153 (5) of Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, "A handler who fails to provide timely and accurate information, a complete form, or the appropriate handler user charge is in violation of this part and is subject to . . . payment of the handler user charge and an administrative fine of 5% per month of the amount owed for each month that the payment is delinquent. . . ." A provision for an administrative fine also applies to invoices for manifest processing charges, so if your invoice also includes manifest processing charges, or if you were invoiced for manifest processing charges only, the 5% administrative fine is also applicable.

You were invoiced in February 2006 with a payment deadline of April 30. Your current balance is over 30 days past due. Since the WHMD did not receive payment or notification within 30 days of the deadline, you are now subject to an administrative fine of 5%. The balance shown on your invoice must be paid immediately. Please sign the invoice and send it with your check made payable to the "State of Michigan," and indicating your invoice number(s), to the MDEQ, Cashiers Office, P.O. Box 30657, Lansing, Michigan 48909.

You may contest all or part of this invoice by requesting an informal conference. The uncontested portion must be paid immediately. If you want a conference, your written request must be made to the MDEQ, WHMD, User Charge Program, P.O. Box 30241, Lansing, Michigan 48909-7741 within 30 days of the date of this letter. When filing your request for a conference, please provide the reason you are requesting the conference and all documentation supporting your position.

If you have any questions, please contact the user charge telephone number, 517-335-5318, or e-mail the MDEQ at DEQ-HWUSERCHARGES@michigan.gov.

Sincerely,

Stephen Buda, Acting Section Chief
Hazardous Waste Section
Waste and Hazardous Materials Division

cc: Ms. Carole Menovske, MDEQ
Ms. Julie Blanchard, MDEQ